THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NOS.21661, 21667, 21670 & 21673 OF 2007

W.P.No.21661 OF 2007

Between:

Kolla Chandramma and four others.

……Petitioners

Vs.

The District Collector, East Godavari District, Kakinada and another

……..Respondents.

W.P.NO.21667 OF 2007:

Between:

Kolla Simhachalam and two others

……..Petitioners

Vs.

The District Collector, East Godavari District, Kakinada
And another.

……Respondents.

W.P.NO.21670 OF 2007

Between:

Kolla Yerrayyamma

…….Petitioner

Vs.

The District Collector, East Godavari District, Kakinada
and another

……..Respondents.

W.P.NO.21673 OF 2007

Between:

Kolla Simhachalam and three others

……..Petitioners

Vs.

The District Collector, East Godavari District, Kakinada
And another

……..Respondents.

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WRIT PETITION NOS.21661, 21667, 21670 & 21673 OF 2007

COMMON O R D E R:

These four writ petitions are filed by the petitioners claiming that as they are small farmers, their lands cannot be acquired in terms of the Government Memos as well as the judgments of this Court. Therefore, the notification under Section 4(1) is liable to be quashed.

A perusal of the notification, dated 12.09.2007 issued by the first respondent shows that 5-A enquiry was not dispensed with. Insofar as 4(1) notification as to the compliance of the statute requirements are concerned, no objection or no ground has been raised. Therefore, this Court is not inclined to consider the objections as to the claim of small farmers and therefore, their lands cannot be acquired at this stage. However, it is open to the petitioners to raise all these objections before the Land Acquisition Officer, who is competent to conduct 5-A enquiry.

Therefore, these writ petitions are disposed of as pre-mature, with a direction to the petitioners to raise all these objections before

the Land Acquisition Officer. The Land Acquisition Officer is directed to properly consider all the objections that are raised by the petitioners and pass a reasoned order, keeping in view the claims made by the petitioners that the lands of big farmers as well as Government lands are available and therefore, the petitioners' lands need not be acquired.

Under the above circumstances, the writ petitions are disposed of with the above directions. No order as to costs.

S.ANANDA REDDY J.,

Dt.11.10.2007

Note:
c.c.in three days
B/o
tjs